

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re:  
BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,  
Debtor.  
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PERTAINS TO THE FOLLOWING CASE:  
IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,  
Plaintiff,  
-v-  
J. EZRA MERKIN, GABRIEL CAPITAL, L.P.,  
ARIEL FUND LTD., ASCOT PARTNERS, L.P.,  
ASCOT FUND LTD., GABRIEL CAPITAL  
CORPORATION,  
Defendants.  
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Adv. Proc. No. 08-01789 (SMB)  
SIPA LIQUIDATION  
(Substantively Consolidated)

Adv. Proc. No. 09-1182 (SMB)

**DECLARATION OF JUDITH A. ARCHER IN SUPPORT OF DEFENDANTS'  
MOTION IN LIMINE TO EXCLUDE OTHERS' PURPORTED  
SUSPICIONS ABOUT MADOFF NOT EXPRESSED TO DEFENDANTS**

1. I am a member of the firm of Norton Rose Fulbright US LLP, counsel to Ralph C. Dawson, as Receiver for Defendant Ascot Partners, L.P. ("Ascot Partners"), and Defendant Ascot Fund Limited ("Ascot Fund") in the above-captioned actions. I submit this declaration in support of Defendants' motion *in limine* to exclude others' purported suspicions about Madoff not expressed to Defendants.

2. Attached hereto as Exhibit A is a true and correct copy of relevant excerpts of the deposition of Noreen Harrington dated October 1, 2013.

3. Attached hereto as Exhibit B is a true and correct copy of relevant excerpts of the deposition of [REDACTED] dated November 22, 2013.

4. I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 7, 2017

/s/ Judith A. Archer

Judith A. Archer